

Approved by: Thomas J. Baroni
THOMAS BARONI
Special Assistant United States Attorney

Before: THE HONORABLE KIM P. BERG
United States Magistrate Judge
Southern District of New York

22 MJ 9217 KPB

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UNITED STATES OF AMERICA : MISDEMEANOR
: COMPLAINT
:
-v- : Violation of
: 38 C.F.R. 1.218(a)(5)
: 38 C.F.R. 1.218(a)(7)
HANNAH J. SMITH :
: COUNTY OF OFFENSE:
Defendant : WESTCHESTER
:
- - - - -X

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK, ss:

ANTHONY LUCIANO, being duly sworn, deposes and says
that he is a Police Officer, assigned to the Department of
Veterans Affairs Police Service, Franklin Delano Roosevelt
Veterans Administration Hospital, Montrose, New York, which
is located in the Southern District of New York, and
charges as follows:

COUNT ONE

On or about September 9, 2022, at the Franklin Delano
Roosevelt Veterans Administration Hospital, Montrose, New
York, in the Southern District of New York, HANNAH J.
SMITH, the defendant, unlawfully, knowingly and willfully
impeded or disrupted the performance of official duties by
Government employees and used loud, abusive, or otherwise
improper language on Montrose Veterans Administration
Hospital property, to wit: the defendant started yelling
at staff and refused to follow directions of the staff or
law enforcement.

(38 Code of Federal Regulations, 1.218(a)(5))

COUNT TWO

On or about September 9, 2022, at the Franklin Delano Roosevelt Veterans Administration Hospital, Montrose, New York, in the Southern District of New York, HANNAH J. SMITH, the defendant, unlawfully, knowingly and willfully entered on the Veterans Administration property under the influence of alcohol, to-wit: the defendant was intoxicated while on VA property.

(38 Code of Federal Regulations, 1.218(a)(7))

The basis for the deponent's knowledge and for the foregoing charges are, in part, as follows:

1. I am a Police Officer, assigned to the Department of Veterans Affairs Police Service, Franklin Delano Roosevelt Veterans Administration Hospital, Montrose, New York, which is located in the Southern District of New York.
2. Upon information and belief, on or about September 9, 2022, at approximately 9:30 p.m., a Code Green was called in Building #52 for an alleged intoxicated resident. Officer Arius and SGT Boyd responded to the scene along with the code team.
3. Officer Arius contacted the complainant, RN James Brantley, who stated the defendant, a resident at the facility, requested her room key. RN Brantley stated the defendant appeared to be intoxicated due to her flush appearance, redness of her eyes and her slurred speech. She started cursing at RN Brantley stating, "No one gives a fuck about veterans here. Give me the key." The defendant further stated, "I'm clinically depressed, no one gives a fuck." RN Brantley stated that she then walked down the hallway and was staggering and used the wall to stop her from falling. RN Brantley stated he escorted her to the nursing office and she started to gag and retch as if she was going to throw up. RN Brantley stated he asked her if she had been drinking and she did not respond but when asked a second time, she stated she had been with a friend that has a bad drinking problem.
4. RN Brantley administered a breathalyzer and the defendant blew a .239 BAC. The defendant became agitated at this time and continued to curse at staff because they

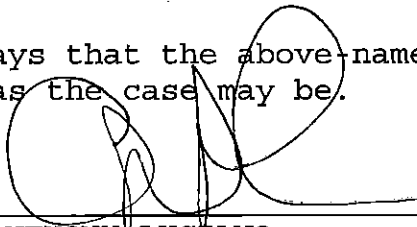
wouldn't let her go to her room. The defendant was escorted to the woman's lounge in an effort to calm her but she continued to yell and curse staff.

5. Officer Arius and SGT Boyd attempted to communicate with the defendant but she continued to be belligerent and would not cooperate. The defendant was transported to Phelps Hospital for further evaluation.

6. On September 10, 2022, at approximately 8:45 a.m., Officer Castelhana and Officer Falsetta were patrolling the VA property and came upon a black back pack and a torn paper bag on the roadway at the dead end portion of the street in from of Building 30. Inside the paperbag was a "Titos" bottle of Vodka and inside the backpack was three official IDs for the defendant and six pill bottles with the defendant's name on them.

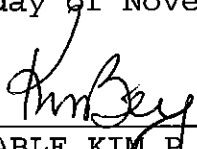
7. On September 10, 2022, at approximately 2:45 p.m., the defendant was transported to Police Operations for processing. The defendant was issued a United States District Court Violation Notice for entering premises under the influence of alcoholic beverages (DCVN Number 9044385/SY53) and one United States District Court Violation Notice for disorderly conduct (DCVN Number 9044386/SY53).

WHEREFORE, deponent prays that the above-named defendant be imprisoned or bailed, as the case may be.



ANTHONY LUCIANO
VA Police Service

Sworn to before me this
16th day of November, 2022



HONORABLE KIM E. BERG
United States Magistrate Judge
Southern District of New York